

**Name:** John Vivo III

**Title:**

**Organization or Agency:**

**Topic:** Meeting Date Not Listed

NA

**Testimony:**

The conditions that bother me the most are:

Re: Semi Annual Report 11.30.25 - 1/20/26

iii. Inmate Legal Assistance Program ("ILAP") Investigation

See. Felipe Colon v Theresa Lantz, Case No. 3:08-cv-38(RNC). (The Plaintiff was the victim of an assault by other inmates when he informed the defendants, they told him that he did not have a constitutional claim arising from the assault and declined to assist him. The U.S. Dist. J. Martinez, denied a Mt. to dismiss the Pltf.'s claim that (1) Def.'s(L., I. and S.) conspired to deprived him of his right of access to the courts through a restrictive contract for provision of legal assistance and (2) Def.'s S. and R. conspired with Def.'s L., I. and C and M. to deprive him of his right of access to the Courts by restricting his ability to exhaust ADM. Rem.)(Supra, 3:08-cv-00038-RNC,doc 63, filed 2/12/2009.)

See. Grievance Complaint # 07-0921, Vivo vs. Schulman, 9/11/2007 filed with the Statewide Grievance Committee. (Regarding ILAP, entering in an illegal contract with DOC, Denial of assistance to assert condition of confinement constitutional violations, dismissing complaint.), and;

A most recent case: Conditions that bother me the most and those conditions affected me: ILAP refused to physically prepare meaningful legal papers such as a Complaint even with a prima face case presented, letting statute of limitations expire. (Plaintiff was Unprovoked Assaulted, Seriously Injured and Property Stolen). (See. Incident #: CCI-202302-017, 2/6/2023; DR Package FCCI-DR-2023-DR-2023-02-015 and IR# CCI-02-020;

Exhausted Remedies#: IGP#: 125-23-259; HSAR#: 3703;

Adm. Rem. Receipt #: 10571, 3/3/23.)

What changes should be made:

Point being that up to this date, even with Bansley/ Anthony, LLC, ILAP fails to initiate litigation in matters, as such, brought to their attention as in the above examples, continued disparity that raises significant concerns about whether incarcerated individuals are receiving meaningful access to the courts, as required by constitutional standards.

The fact that Bansley Law, LLC, objects to issued subpoenas by the OCO directing the production of records, speaks volumes, and the OCO formally requested that DOC suspend Barnsley's contract.

The OCO rightfully Petitioned the Superior Court seeking enforcement. The DOC in not addressing the contract suspension of substantive questions raises and shows the conspiracy continues to this date.

Solution: Press forward with the OCO efforts for complete transparency and accountability for those who attempt to hinder, conceal, frustrate full access to his investigation for this Committee and this Committee to intervene to assist the OCO.

2.

RE: iv. Investigation into DOC Legal Cost and Settlement Expenditures.

The DOC's legal costs associated with settlements and litigation expenses and the repeated claims of misconduct.

The OCO needs the detailed Records from both the DOC and the AG's Office, including invoices, settlement agreements and expense summaries.

The AG's objection, the revelation that additional settlements and legal expenditures existed that were

not included in the original production, are costs in time and labor for the OCO, The tactics used are illegal to conceal, in order to hinder, frustrate efforts of transparency and the fiscal impact of repeated misconduct. As such the AG must fully release the remaining financial and settlement records.

e.g. In Tyrone Spence v. Dave Maiga, civil action no. 3:19-cv-00104-AVC, Confidential Settlement Conference Memorandum, March 1, 2021, alleging that his placement on Administrative Segregation Status on Feb. 26, 2018 without the requisite notice and hearing, violated his personal due process rights under the 14th Amendment;

In John Vivo III vs. Craig Washington, Civil Action No. 3:13-cv-01576(AWT)(Claims: are related to Plaintiffs January 2015 FOIA Request, the claims identifying multiple instances of retaliatory conduct and the claim of Deliberate Indifferent to mental health needs. All three arise from the Plaintiff's incarceration at MCI from Sept. 26, 2014 to June 16, 2016.) (Case Settle)

In John Vivo III vs. Scott Erfe, et Al, Civil Action No. 3:19-cv-00132(AWT)(Claims: Defendant denied him the opportunity to practice his religion faith (Native American - Taino) in violation of the 1st Amendment's Established and Free Exercise Clauses, Retaliation against him for exercising his 1st Amendment Right to file seek redress of grievances, subjecting him to unconstitutional conditions of confinement in violation of the 8th Amendment and Treated him differently in violation of the 14th Amendments Equal Protection Clauses. (Case Settled)

In John Vivo III vs. James Watson, et Al., Civil Action No. 3:19-cv-00445(AWT). (Claims: Unconstitutional Conditions of Confinement by denial of adequate outdoor Fresh Air Rec Yard and exercise opportunities gym, excessive use and abuse of lockdowns procedures and confinement in a small unsanitary cell in violation of the 8th Amendment against Watson, Fiber Quiros and Semple; and Supervisor Liability Claim.)(Condition of Confinement: The Plaintiff alleged that: while he was in East Block 2 he was denied daily outdoor fresh air and exercise opportunities and the denial was exacerbated by the abuse of Lockdowns procedures and by being confined with a cellmate in a unsanitary cell.) (Harm suffered, The Plaintiff stated he suffers from serious injuries physically and mental anguish.)(Case Settled)

To this date, even with settlements they continue with the misconduct for example: The Lockdowns continue for isolated incidents or so called short on staff or training in violation of the Protect Act, Order of the Governor and Federal Constitution Law.

The allotted time of out of cell is not in compliance with the intended purpose of the Protect Act.

1. Lunch and dinner time to eat is being counted towards the rec time.
2. Because of the split tier, no access to the dinning hall, cold food is being served, the food does not sit in a heated boxes, trays are exposed to cold air, in top of carts.
3. Clean Showers are not afforded after the gym or outside rec for both top and bottoms tiers. (Let alone be appropriate clean) You're forced to go to bed like that, without a shower until the next day. It's not appropriate to get undressed and wash-up, while you're bunked with another cell mate which often causes conflict, even expose yourself in the nude with female officers doing their tours and cell checks.

Lock Down Diary examples:

During these periods, codes were called for isolated incidents and we had to lock up. We were fully locked down until codes were cleared and block officers decide to open doors again.

#1. Clearly robbing us for our State Mandated Law, 5 hr., out of cell time/rec time.

#2. Not an emergency.

#3. It's an Exaggerated Response to Prison Concerns.

Jan. 10, 2026 I'm at SB3-30

@12:20am

@1:30pm  
@6:30 during bottom tier rec.- off @7:10pm.

Jan.11,2026  
@9:05am during top tier rec. - off @9:20am.  
@10:09am during top tier rec.  
@1:55pm during bottom tier rec.

Jan.14,2026  
They opened the door at 11:50am in S.B.3 and  
@11:59am during top tier rec., code white, full Lock D. - off @ 12:30  
locked back up @ 2:00.

In similar situation, during codes e.g.  
In New Haven County, they do not lock anybody up for codes. A code could happen in the same block,  
they don't lock you up.

Jan.21,2026 @ approx 9:08pm, Code in another block, during cell clean up @ S.B.3 top tier 30 cell, had  
to lock up. Haven't been able to clean cell in over two for one reason or another, but this was an  
opportunity and had to lock d!

Jan. 25 ,2025(Sun) DOC issued notice on Jan. 24, 2025 that there will be no social or video visits due to  
snow storm. It had yet to snow until  
9:47am. next day 25th. We on full lock down for the entire 1st shift, No smudge....this was  
predetermined in violation of my state and federal rights...no emergency...no excuse or alternatives  
afforded? But yet off lockdown on 2nd shift in the midst of this big storm?